

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JEREMIE HART,**  
**Plaintiff,**

**v.**

**DAVID SPENCE and XPO LOGISTICS,**  
**INC. d/b/a CON-WAY TRUCKLOAD,**  
**Defendants.**

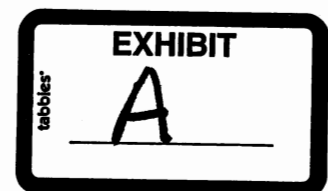
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**CIVIL ACTION NO. 3:16cv02947**

**INDEX OF DOCUMENTS**

COMES NOW, **XPO LOGISTICS TRUCKLOAD, INC.**, (hereinafter referred to as “Defendant”), Defendant in the above-entitled and numbered civil action, and submits this its Index of Documents filed in the State Court Action, pursuant to the Federal Rules of Civil Procedure, and which are attached to Defendant’s *Notice of Removal*:

	<b>Document</b>	<b>Date</b>
1.	Civil Case Information Sheet	09/14/2016
2.	Plaintiff’s Original Petition	09/14/2016
3.	Plaintiff’s Jury Demand	09/14/2016
4.	Notice of Dismissal for Want of Prosecution Hearing	10/07/16
5.	Defendant XPO Logistics Truckload’s Original Answer	10/20/2016
6.	Defendant David Spence’s Original Answer	10/20/2016
7.	Defendant’s Jury Demand	10/20/2016
8.	Defendant’s Notice of Removal	10/20/2016
9.	State Court Docket Sheet	10/20/2016



Respectfully submitted,

/s/ D. Randall Montgomery

**D. RANDALL MONTGOMERY**

State Bar No. 14289700

*Rmontgomery@drmlawyers.com*

**ASHLEY A. SMITH**

State Bar No. 24049385

*asmith@drmlawyers.com*

**D. RANDALL MONTGOMERY**

**& ASSOCIATES, P.L.L.C.**

12400 Coit Road, Suite 560

Dallas, Texas 75251

(214) 292-2600

(469) 568-9323 (Facsimile)

**ATTORNEYS FOR DEFENDANT**

**XPO LOGISTICS TRUCKLOAD, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Federal Rules of Civil Procedure on this the 20<sup>th</sup> day of October, 2016.

**CMRRR 9214 7969 0099 9790 1610 7780 37**

J. Martin Futrell

Eberstein & Witherite, LLP

10440 N. Central Expressway

Suite 400

Dallas, Texas 75213

/s/ D. Randall Montgomery

**D. RANDALL MONTGOMERY**

CAUSE NUMBER (FOR CLERK USE ONLY):

DC-16-11836

COURT (FOR CLERK USE ONLY):

STYLED JEREMIE HART V. DAVID SPENCE, ET. AL.

Tonya Pointer

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name: <u>J. Martin Futrell</u>	Email: <u>martin.futrell@ewlawyers.com</u>	Plaintiff(s)/Petitioner(s): <u>JEREMIE HART</u>		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner	
Address: <u>10440 N. Central Expy, Suite 400</u>	Telephone: <u>214-378-6665</u>	Defendant(s)/Respondent(s): <u>DAVID SPENCE</u>		<input type="checkbox"/> Pro Se Plaintiff/Petitioner	
City/State/Zip: <u>Dallas, TX 75231</u>	Fax: <u>214-378-6670</u>	<u>XPO LOGISTICS TRUCKLOAD, INC.</u>		<input type="checkbox"/> Title IV-D Agency	
Signature: <u>/s/ J. Martin Futrell</u>	State Bar No: <u>24085777</u>	<u>D/B/A CON-WAY TRUCKLOAD</u>		<input type="checkbox"/> Other: _____	
		[Attach additional page as necessary to list all parties]		Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
<b>Contract</b> <i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:  <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:			<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax			<b>Probate &amp; Mental Health</b> <i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:		
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

CAUSE NO. DC-16-11836

Tonya Pointer

JEREMIE HART;	§	IN THE DISTRICT COURT OF
	§	
	§	
Plaintiff,	§	
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
DAVID SPENCE; XPO LOGISTICS	§	
TRUCKLOAD, INC. D/B/A CON-WAY	§	
TRUCKLOAD;	§	
	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE,  
FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR ADMISSIONS,  
FIRST REQUEST FOR PRODUCTION AND REQUEST FOR PRIVILEGE LOG  
TO DEFENDANTS

Plaintiff Jeremie Hart files Plaintiff's Original Petition complaining of  
Defendants David Spence and XPO Logistics Truckload, Inc. d/b/a Con-Way  
Truckload

I. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 3 pursuant to Rule 190  
of the TEXAS RULES OF CIVIL PROCEDURE.

II. RULE 47 PLEADING REQUIREMENTS

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's  
counsel states that the damages sought are in an amount within the  
jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil  
Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief of over  
\$100,000 but not more than \$200,000. The amount of monetary relief actually

awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

### **III. PARTIES**

Plaintiff Jeremie Hart is an individual resident of Dallas, Dallas County, Texas. His social security number is \*\*\*-\*\*-182.

Defendant David Spence is an individual resident of Fresno, Fresno County, California and may be served with process at 7244 W. Celeste Ave., Fresno, CA 93723.

Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload is a corporation doing business in Texas and may be served with process by serving its registered agent Corporation Service Company at 211 E. 7<sup>th</sup> Street, #620, Austin, Texas 78701.

### **IV. JURISDICTION AND VENUE**

The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

This Court has venue over the parties to this action since the incident complained of herein occurred in Dallas County, Texas. Venue therefore is proper in Dallas County, Texas pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002.

### **V. FACTS**

This lawsuit arises out of a motor vehicle collision that occurred on Friday, October 23, 2015 on IH-75 southbound near IH-30 east exit within the city limits of Dallas, Dallas County, Texas. Plaintiff Jeremie Hart was a passenger in a

vehicle operated by Jeremy Tannenbaum traveling southbound on IH 75.

Defendant David Spence was operating his 18-wheeler, owned by Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload, behind Plaintiff's vehicle in the same lane and headed in the same direction. Defendant David Spence failed to control his speed, failed to slow and/or stop, and collided hard with the back of Jeremy Tannenbaum's vehicle. As a result of the collision, Plaintiff was injured and continues to suffer injuries and damages from this incident.

## **VI. CAUSES OF ACTION**

### **A. NEGLIGENCE – DEFENDANT DAVID SPENCE**

At the time of the motor vehicle collision, Defendant David Spence was operating his 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate his 18-wheeler reasonably and prudently. Defendant breached that duty in one or more of the following respects:

1. Defendant failed to keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;
2. Defendant failed to keep an assured safe distance from Plaintiff's vehicle;
3. Defendant failed to timely apply the brakes of his 18-wheeler in order to avoid the collision in question;
4. Defendant failed to control his speed;
5. Defendant failed to safely operate his tractor-trailer.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

**B. NEGLIGENT ENTRUSTMENT – DEFENDANT XPO LOGISTICS  
TRUCKLOAD, INC. D/B/A CON-WAY TRUCKLOAD**

As an additional cause of action, Plaintiff would show that at the time and on the occasion in question, Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload was the owner of the vehicle driven by Defendant David Spence. Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload. entrusted the vehicle to Defendant David Spence. Defendant David Spence was unlicensed, incompetent, and/or reckless and Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload knew or should have known that Defendant David Spence was unlicensed, incompetent, and/or reckless. Defendant David Spence's negligence on the occasion in question proximately caused the collision.

**C. RESPONDEAT SUPERIOR – DEFENDANT XPO LOGISTICS  
TRUCKLOAD, INC. D/B/A CON-WAY TRUCKLOAD**

Additionally, Plaintiff would show that at the time and on the occasion complained of, Defendant David Spence was in the course and scope of his employment with Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload thereby making Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload liable under the doctrine of *Respondeat Superior*.

**D. NEGLIGENCE – DEFENDANT XPO LOGISTICS TRUCKLOAD, INC.**

**D/B/A CON-WAY TRUCKLOAD**

Defendant XPO Logistics Truckload, Inc. d/b/a Con-Way Truckload failed to properly train and/or supervise Defendant David Spence in order to prevent such accident.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiff.

**VII. DAMAGES**

As a proximate result of Defendants' negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff suffered the following damages:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and loss of earning capacity in the future;
- c. Physical pain and suffering in the past and future;
- d. Mental anguish in the past and future; and
- e. Physical impairment in the past and future.

**VIII. REQUEST FOR DISCLOSURE**

Pursuant to Rule 194 of the TEXAS RULES OF CIVIL PROCEDURE Defendants are requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a)-(l).



### **IX. DISCOVERY DOCUMENTS**

Contemporaneously with this petition, Plaintiff serves to Defendants Plaintiff's First Set of Interrogatories, First Request for Admissions, First Request for Production and Request for Privilege Log to Defendants.

### **X. INTENT TO USE DEFENDANTS' DOCUMENTS**

Plaintiff hereby gives notice of intent to utilize items produced in discovery against the party producing same. The authenticity of such items is self-proven per TRCP 193.7.

### **XI. JURY TRIAL**

Plaintiff demands a trial by jury and includes the appropriate jury fees.

### **XII. U.S. LIFE TABLES**

Notice is hereby given to the Defendants that Plaintiff intends to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

### **XIII. RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff recover judgment against Defendants for:

1. Plaintiff's past medical expenses, which are reasonable and customary for the medical care received by Plaintiff;
2. Plaintiff's future medical expenses;
3. Plaintiff's lost wages in the past and loss of earning capacity in the future;
4. Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;

5. Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;
6. Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;
7. Interest on the judgment at the legal rate from the date of judgment;
8. Pre-judgment interest on Plaintiff's damages as allowed by law;
9. All costs of court; and
10. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

**EBERSTEIN & WITHERITE, LLP**

BY: /s/ J. Martin Futrell

**J. MARTIN FUTRELL**

State Bar No. 24085777

[martin.futrell@ewlawyers.com](mailto:martin.futrell@ewlawyers.com)

**AMY K. WITHERITE**

State Bar No. 00788698

[amy.witherite@ewlawyers.com](mailto:amy.witherite@ewlawyers.com)

10440 N. Central Expressway

Suite 400

Dallas, TX 75231-2228

214/378-6665

214/378-6670 (fax)

**ATTORNEYS FOR PLAINTIFF**



FELICIA PITRE  
DALLAS COUNTY DISTRICT CLERK

TONYA POINTER

NINA MOUNTIQUE  
CHIEF DEPUTY

**CAUSE NO. DC-16-11836**

JEREMIE HART

vs.

DAVID SPENCE, et al

101st District Court

**ENTER DEMAND FOR JURY**

PAID BY: PLAINTIFF

FEE PAID: \$40.00



101st District Court  
GEORGE L. ALLEN, SR. COURTS BUILDING  
600 COMMERCE STREET  
DALLAS, TEXAS 75202-4604  
October 07, 2016

J MARTIN FUTRELL  
10440 N CENTRAL EXPRESSWAY  
SUITE 400  
DALLAS TX 75231

Re: JEREMIE HART vs. DAVID SPENCE, et al  
DC-16-11836

All Counsel of Record/Pro Se Litigants:

This letter is to advise you that this matter is set for a DISMISSAL FOR WANT OF PROSECUTION hearing on **November 17, 2016 at 9:00 AM** in this Court.

Sincerely,

A handwritten signature in cursive script, appearing to read "Staci Williams", with a long horizontal flourish extending to the right.

STACI WILLIAMS  
Presiding Judge

SW/lis  
pc: J MARTIN FUTRELL

**CAUSE NO. DC-16-11836****JEREMIE HART,**  
**Plaintiff,****v.****DAVID SPENCE and XPO LOGISTICS,**  
**INC. d/b/a CON-WAY TRUCKLOAD,**  
**Defendants.**§ **IN THE DISTRICT COURT OF**  
§  
§  
§  
§ **DALLAS COUNTY, TEXAS**  
§  
§  
§ **101<sup>ST</sup> JUDICIAL DISTRICT****ORIGINAL ANSWER OF DEFENDANT XPO LOGISTICS TRUCKLOAD, INC.**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **XPO LOGISTICS TRUCKLOAD, INC.** (hereinafter "Defendant"), Defendant in the above-entitled and numbered cause, and makes and files this its Original Answer, showing unto the Court as follows:

**GENERAL DENIAL**

Subject to such stipulations and admissions as may be made hereafter, this Defendant hereby enters a general denial as permitted by Rule 92 of the Texas Rules of Civil Procedure, and requests that Plaintiff be required to prove by a preponderance of the evidence the charges and allegations which he has made against this Defendant and to do so before a jury composed of twelve (12) citizens of this County as is required by the laws and Constitution of the State of Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that judgment be rendered, that Plaintiff takes nothing by this suit and that Defendant be permitted to go hence without delay and recover its costs in its behalf expended, and for such other and further relief, general and specific, legal and equitable, to which Defendant may be justly entitled.

Respectfully submitted,

*/s/ D. Randall Montgomery*

---

**D. RANDALL MONTGOMERY**

State Bar No. 14289700

*Rmontgomery@drmlawyers.com*

**ASHLEY A. SMITH**

State Bar No. 24049385

*asmith@drmlawyers.com*

**D. RANDALL MONTGOMERY**

**& ASSOCIATES, P.L.L.C.**

12400 Coit Road, Suite 560

Dallas, Texas 75251

(214) 292-2600

(469) 568-9323 (Facsimile)

**ATTORNEYS FOR DEFENDANT XPO  
LOGISTICS TRUCKLOAD, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Texas Rules of Civil Procedure on this the 20<sup>th</sup> day of October, 2016.

**CMRRR 9214 7969 0099 9790 1610 7780 37**

J. Martin Futrell

Eberstein & Witherite, LLP

10440 N. Central Expressway

Suite 400

Dallas, TX 75213

*/s/ D. Randall Montgomery*

---

**D. RANDALL MONTGOMERY**

**CAUSE NO. DC-16-11836**

**JEREMIE HART,**  
**Plaintiff,**

**v.**

**DAVID SPENCE and XPO LOGISTICS,**  
**INC. d/b/a CON-WAY TRUCKLOAD,**  
**Defendants.**

§ **IN THE DISTRICT COURT OF**  
§  
§  
§  
§ **DALLAS COUNTY, TEXAS**  
§  
§  
§ **101<sup>ST</sup> JUDICIAL DISTRICT**

**ORIGINAL ANSWER OF DEFENDANT DAVID SPENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DAVID SPENCE** (hereinafter "Defendant"), Defendant in the above-entitled and numbered cause, and makes and files this his Original Answer, showing unto the Court as follows:

**GENERAL DENIAL**

Subject to such stipulations and admissions as may be made hereafter, this Defendant hereby enters a general denial as permitted by Rule 92 of the Texas Rules of Civil Procedure, and requests that Plaintiff be required to prove by a preponderance of the evidence the charges and allegations which he has made against this Defendant and to do so before a jury composed of twelve (12) citizens of this County as is required by the laws and Constitution of the State of Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that judgment be rendered, that Plaintiff takes nothing by this suit and that Defendant be permitted to go hence without delay and recover his costs in his behalf expended, and for such other and further relief, general and specific, legal and equitable, to which Defendant may be justly entitled.

Respectfully submitted,

*/s/ D. Randall Montgomery*

---

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State Bar No. 14289700

*Rmontgomery@drmlawyers.com*

**ASHLEY A. SMITH**

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**D. RANDALL MONTGOMERY**

**& ASSOCIATES, P.L.L.C.**

12400 Coit Road, Suite 560

Dallas, Texas 75251

(214) 292-2600

(469) 568-9323 (Facsimile)

**ATTORNEYS FOR DEFENDANT**

**DAVID SPENCE**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been served upon all attorneys of record in accordance with the Texas Rules of Civil Procedure on this the 20<sup>th</sup> day of October, 2016.

**CMRRR 9214 7969 0099 9790 1610 7780 37**

J. Martin Futrell

Eberstein & Witherite, LLP

10440 N. Central Expressway

Suite 400

Dallas, TX 75213

*/s/ D. Randall Montgomery*

---

**D. RANDALL MONTGOMERY**



**CAUSE NO. DC-16-11836**

**JEREMIE HART,**  
**Plaintiff,**

**v.**

**DAVID SPENCE and XPO LOGISTICS,**  
**INC. d/b/a CON-WAY TRUCKLOAD,**  
**Defendants.**

§ **IN THE DISTRICT COURT OF**  
§  
§  
§  
§ **DALLAS COUNTY, TEXAS**  
§  
§  
§ **101<sup>ST</sup> JUDICIAL DISTRICT**

**DEFENDANT'S JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **XPO LOGISTICS TRUCKLOAD, INC.** (hereinafter "Defendant"),  
and demands a jury trial of all issues of fact in this lawsuit.

The filing of this Jury Demand, however, is not a request that the matter be set for trial at  
this time or that the matter be placed on the Court's docket at this time.

Respectfully submitted,

*/s/ D. Randall Montgomery*

---

**D. RANDALL MONTGOMERY**

State Bar No. 14289700

*Rmontgomery@drmlawyers.com*

**ASHLEY A. SMITH**

State Bar No. 24049385

*asmith@drmlawyers.com*

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**& ASSOCIATES, P.L.L.C.**

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Suite 400  
Dallas, Texas 75213

/s/ D. Randall Montgomery

**D. RANDALL MONTGOMERY**

**CAUSE NO. DC-16-11836**

<b>JEREMIE HART,</b>	<b>§ IN THE DISTRICT COURT OF</b>
<b>Plaintiff,</b>	<b>§</b>
	<b>§</b>
<b>v.</b>	<b>§</b>
	<b>§ DALLAS COUNTY, TEXAS</b>
<b>DAVID SPENCE and XPO LOGISTICS,</b>	<b>§</b>
<b>INC. d/b/a CON-WAY TRUCKLOAD,</b>	<b>§</b>
<b>Defendants.</b>	<b>§ 101<sup>ST</sup> JUDICIAL DISTRICT</b>

**NOTICE OF FILING OF NOTICE OF REMOVAL**

Please take notice that on October 20, 2016, Defendant XPO Logisitcs Truckload, Inc. filed a Notice of Removal of the above-captioned action with the United States District Court for the Northern District of Texas, Dallas Division, a copy of which is attached hereto.

Respectfully submitted,

/s/ D. Randall Montgomery

**D. RANDALL MONTGOMERY**

State Bar No. 14289700

*Rmontgomery@drmlawyers.com*

**ASHLEY A. SMITH**

State Bar No. 24049385

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Eberstein & Witherite, LLP  
10440 N. Central Expressway  
Suite 400  
Dallas, Texas 75213

/s/ D. Randall Montgomery

**D. RANDALL MONTGOMERY**

**Case Information**

DC-16-11836 | JEREMIE HART vs. DAVID SPENCE, et al

Case Number	Court	File Date
DC-16-11836	101st District Court	09/14/2016
Case Type	Case Status	
MOTOR VEHICLE ACCIDENT	OPEN	

**Party**

## PLAINTIFF

HART, JEREMIE

## Address

C/O 10440 N. CENTRAL EXPRESSWAY  
SUITE 400  
DALLAS TX 75231

## Active Attorneys ▼

## Lead Attorney

FUTRELL, J MARTIN  
Retained

## Work Phone

214-420-1127

## Fax Phone

214-378-6670

## DEFENDANT

SPENCE, DAVID

## Address

7244 W. CELESTE AVE.  
FRESNO CA 93723

## DEFENDANT

XPO LOGISTICS TRUCKLOAD INC

## Aliases

DBA CON-WAY TRUCKLOAD

## Address

C/O CORPORATION SERVICE COMPANY CORPORATION SERVICE COMPANY

211 E. 7TH STREET #620

AUSTIN TX 78701

**Events and Hearings**

09/14/2016 NEW CASE FILED (OCA) - CIVIL

09/14/2016 ORIGINAL PETITION ▼

20160914 HART JEREMIE PLAINTIFF'S ORIGINAL PETITION.pdf

09/14/2016 CASE FILING COVER SHEET ▼

20160914 HART JEREMIE CIVIL CASE INFORMATION SHEET.pdf

09/14/2016 ISSUE CITATION

09/14/2016 JURY DEMAND ▼

JURY DEMAND

09/16/2016 CITATION ISSUED ▼

DC1611836.pdf

DC1611836-2.pdf

09/16/2016 CITATION ▼

Anticipated Server

ESERVE

Anticipated Method

Anticipated Server

ESERVE

Anticipated Method

Actual Server

OUT OF COUNTY

Returned

09/29/2016

09/29/2016 RETURN OF SERVICE ▼

XPO TUCKLOAD INC

Comment

XPO LOGISTICS TRUCKLOAD INC

10/20/2016 ORIGINAL ANSWER - GENERAL DENIAL ▼

Hart -- Con-way Original Answer.pdf

10/20/2016 ORIGINAL ANSWER - GENERAL DENIAL ▼

Hart - Spence Original Answer.pdf

10/20/2016 JURY DEMAND ▼

Hart -- Jury Demand.pdf

11/17/2016 DISMISSAL FOR WANT OF PROSECUTION ▼

Ad Hoc Hearing

Judicial Officer

WILLIAMS, STACI

Hearing Time

9:00 AM

## Financial

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**HART, JEREMIE**

Total Financial Assessment	\$343.00
Total Payments and Credits	\$343.00

9/15/2016	Transaction Assessment	\$343.00
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9/15/2016	CREDIT CARD - TEXFILE (DC)	Receipt # 58957-2016-DCLK	HART, JEREMIE	(\$343.00)
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**XPO LOGISTICS TRUCKLOAD INC**

Total Financial Assessment	\$40.00
Total Payments and Credits	\$40.00

10/20/2016	Transaction Assessment	\$40.00
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10/20/2016	CREDIT CARD - TEXFILE (DC)	Receipt # 66886-2016-DCLK	XPO LOGISTICS TRUCKLOAD INC	(\$40.00)
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**Documents**

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